

HOUSE BILL NO. 259

INTRODUCED BY D. MOORE

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A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN REQUIREMENTS FOR AUTOMOBILE DEALERS, WHOLESALERS, AND AUCTIONS FOR MAINTAINING VEHICLE OWNERSHIP RECORDS; AUTHORIZING AUTOMOBILE DEALERS, WHOLESALERS, AND AUCTIONS TO MAINTAIN A PHOTOCOPY, ELECTRONIC, OR DIGITAL RECORD OF VEHICLE OWNERSHIP; AND AMENDING SECTION 61-4-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-4-104, MCA, is amended to read:

"61-4-104. Record of purchase or sale. (1) (a) A dealer, wholesaler, or auto auction licensed under this part shall keep:

(i) a book or record of the purchases, sales or exchanges, or receipts for the purpose of sale of used vehicles; and

(ii) for each used vehicle, a description of the ~~vehicles, together with vehicle,~~ the date of purchase, sale, or consignment of the vehicle, and the name and address of:

(i)(A) the person from whom the dealer or wholesaler acquired the vehicle's ownership or, if consigned, possessory interest in the vehicle;

(i)(B) the person to whom the dealer, wholesaler, or auto auction assigned the vehicle; and

(i)(C) a secured party with a perfected security interest in the vehicle to which the dealer's, wholesaler's, or auto auction's interest is subordinate, if any.

(b) If the vehicle is a trailer, semitrailer, pole trailer, or special mobile equipment, the record must include the manufacturer's number and other numbers or identification marks that appear on the vehicle.

(b)(c) The vehicle description must also include the vehicle identification number ~~and engine number,~~ if any, and must include a statement that a number has been obliterated, defaced, or changed if that has occurred. ~~In the case of a trailer, semitrailer, pole trailer, or special mobile equipment, the record must include the manufacturer's number and other numbers or identification marks that appear on the trailer, semitrailer, pole trailer, or special mobile equipment.~~



1 (2) ~~(A) The A~~ EXCEPT AS PROVIDED IN SUBSECTION (2)(B), A dealer, wholesaler, or auto auction must also
 2 have an the actual or a readily accessible photocopy, electronic copy, or digital copy of the actual assigned
 3 certificate of ownership, or certificate of title, or manufacturer's certificate of origin from the owner of the motor
 4 each vehicle, power sports vehicle, or trailer in which the dealer, wholesaler, or auto auction acquires a property
 5 interest that transfers ownership of the vehicle to the dealer, wholesaler, or auto auction from the time the motor
 6 vehicle is delivered to the dealer, wholesaler, or auto auction until it has been disposed of by the dealer,
 7 wholesaler, or auto auction.

8 (B) A DEALER MAY OFFER FOR SALE OR MAY SELL OR EXCHANGE A VEHICLE WITHOUT HAVING THE ASSIGNED
 9 CERTIFICATE OF OWNERSHIP, CERTIFICATE OF TITLE, OR MANUFACTURER'S CERTIFICATE OF ORIGIN IF:
 10 ——— (i) THE DEALER HAS APPLIED FOR THE TITLE AS PROVIDED IN TITLE 61, CHAPTER 3, PART 2; OR
 11 ——— (ii) THE VEHICLE IS FINANCED BY THE DEALER AS INVENTORY THROUGH A FINANCIAL INSTITUTION, THE FINANCIAL
 12 INSTITUTION HOLDS THE CERTIFICATE OF OWNERSHIP, CERTIFICATE OF TITLE, OR MANUFACTURER'S CERTIFICATE OF
 13 ORIGIN AS COLLATERAL, AND THE DEALER HAS A READILY ACCESSIBLE PHOTOCOPY, ELECTRONIC COPY, OR DIGITAL COPY
 14 OF THE CERTIFICATE OF OWNERSHIP, CERTIFICATE OF TITLE, OR MANUFACTURER'S CERTIFICATE OF ORIGIN.

15 (3) It is a violation of this part for a dealer, wholesaler, or auto auction to fail to:
 16 (a) take assignment of all certificates the certificate of ownership, certificates certificate of title, or
 17 manufacturer's certificates certificate of origin for motor vehicles a vehicle acquired by the licensee dealer,
 18 wholesaler, or auto auction; or to fail to
 19 (b) assign the certificate of ownership, certificate of title, or manufacturer's certificate of origin for motor
 20 vehicles any vehicle sold in which the dealer, wholesaler, or auto auction has a property interest.

21 ~~(3)(4) (a) All~~ Except as provided in subsection (4)(b), all records required to be kept in accordance with
 22 this section, in addition to the required retention of and the odometer disclosure information required to be
 23 retained under 61-3-206(4); must be physically located and maintained at or readily accessible within the building
 24 referred to in 61-4-101.

25 (b) A dealer, wholesaler, or auto auction that does not maintain the actual certificate of ownership,
 26 certificate of title, or manufacturer's certificate of origin at the building referred to in 61-4-101 shall maintain a
 27 readily accessible record of the certificate of ownership, certificate of title, or manufacturer's certificate of origin
 28 at the building.

29 (c) For the purposes of this section, "readily accessible" means available in paper form or in an electronic
 30 or digital format.

